

FILED



2:16 pm, 6/16/21

Margaret Botkins
Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

FIRSTMARK CONSTRUCTION LLC,

Plaintiff,

vs.

Case No. 20-CV-97-F

MOUNTAIN CONSTRUCTION
COMPANY, EMPLOYERS MUTUAL
CASUALTY COMPANY,

Defendants.

MOUNTAIN CONSTRUCTION
COMPANY,

Third-party Plaintiff,

vs.

FIDELITY AND DEPOSIT COMPANY
OF MARYLAND,

Third-party Defendant.

ORDER GRANTING MOTION TO AMEND SCHEDULE

The parties jointly move to amend the schedule and continue the trial. ECF No. 44. The motion seeks to move the trial from October 2021 to September 2022 because Plaintiff and Third-Party Defendant have recently obtained new counsel; their former counsel exchanged written discovery with Defendants, but it appears no fact depositions were completed (or at least, many remain to be completed); Defendants' recent expert disclosure is voluminous and Plaintiff needs extensive time to review and prepare rebuttal expert

disclosures; and Plaintiff is determining whether to enter bankruptcy, which would likely result in a stay of not only the counterclaims but all claims in this case.

The Court finds the motion shows good cause for a short extension of the schedule including trial, but the Court is not persuaded that a year's delay is necessary. Plaintiff and Third-Party Defendant's change of counsel is not in itself good cause to delay the schedule, and the motion does not explain why Plaintiff and Third-Party Defendant did not make more progress toward complying with the existing schedule. Nor does the motion outline the timeline in which Plaintiff expects to decide its course of action with respect to bankruptcy.


Accordingly, the Court GRANTS the motion IN PART and DENIES IN PART.

The schedule is amended as follows.

Event	Current:	Extended:
Rebuttal expert disclosures	June 25, 2021	October 5, 2021
Fact discovery cutoff	July 25, 2021	November 5, 2021
Status conf. re dispositive motions		October 6, 2021 at 11:30 a.m.
Filing dispositive motions	July 9, 2021	November 5, 2021
Dispositive motion responses	July 23, 2021	November 19, 2021
Dispositive motion hearing	None (previously vacated)	December 13, 2021 at 9:00 a.m.
Final Pretrial Conference	September 13, 2021 at 1:30 p.m.	January 4, 2022 at 1:30 p.m.
Trial (jury, 8 days)	October 12, 2021 at 8:30 a.m.	January 24, 2022 at 8:30 a.m. (second civil stacking)

The Court must approve any further stipulated extensions of time for filing deadlines. The schedule established in this Order may be modified only for good cause and with the Court's consent. Barring unforeseen circumstances, the Court holds the final pretrial conference and trial dates firm.

IT IS SO ORDERED this 16 th day of June, 2021.



NANCY D. FREUDENTHAL
UNITED STATES DISTRICT JUDGE